REMARKS

This application has been reviewed in light of the Advisory Action mailed on October 18, 2004. Reconsideration of the present application as amended is respectfully requested in light of the above amendments and the following remarks.

Claims 1-19 are pending in the application with Claims 1, 7 and 15 being in independent form. By the present amendment, Claims 1, 7 and 15 have been amended. No new matters or issues are believed to be introduced by the amendments.

In the advisory action, dated October 18, 2004, the Examiner states that the request for reconsideration has been considered but does not place the application in condition for allowance because Averbuch et al. teaches selectively downloading (determination of whether or not software update should be downloaded to the portable device) the software update to the portable communication unit by setting a priority level (col. 5, lines 7-12). The Examiner states that the argued limitation of transferring data directly without storing the data in the memory of the charger system is not in the claim.

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on November 9, 2004. During the telephonic interview, the advisory action was discussed in light of Claim 1. During the interview, Applicant's Attorney pointed out to the Examiner that Averbach teaches selective downloading in the context of whether or not software <u>will or will not</u> be downloaded to a portable device. Averbuch states at col. 5, lines 9-11 that *...wherein a unique value is reserved (e.g., a priority indication of 0) to indicate that the particular user is not capable of getting the automatic update service.* Depending upon the priority indication a user will or will not get the automatic update service.

In sharp contrast to Averbuch, the charging system of the invention <u>always</u> receive data from the remote source. In further distinction from Averbuch, the invention is directed to how the received data is routed once it is received. That is, the data may routed in one of a direct or indirect mode that is selectable by the user, as will be discussed below.

Claim 1 has been amended in a manner that clarifies the routing of data once it has been received. In particular, Claim 1 has been amended as follows:

1. A charger system comprising:

    a charger comprising coupling means for coupling to a rechargeable device, wherein the coupling means includes charging means for providing an electrical charge to the rechargeable device and means for transferring data to the rechargeable device and means for receiving the data from a remote source and <u>means for storing the data from a remote source in a storage means of the charger and means for selectably transferring the data upon receipt from the remote source to at least one of the means for transferring data to the rechargeable device and a storage means of the charger.</u>
[Emphasis Added]

The data routing mechanism of the invention was previously described in the response, dated August 30, 2004 in which it was explained that the Specification recites at page 13 that the transfer of data from the charger to the remote control device may be performed in a direct mode or in an indirect mode. In the direct mode, the received data is transferred directly to the data communication port of the charger for transfer to the remote control device. In the indirect mode, the received data is transferred to the charger's memory. The Specification further states that the charger device may operate

exclusively in the direct mode or the indirect mode, or the mode may be selectable by the user, such as via an activation switch on the charger or the user interface on the remote control device, by the server via parameters associated with the downloaded data, or automatically. Each of the aforementioned modes of operation (i.e., direct and indirect) are now believed to be more clearly recited in Claim 1 as amended. Specifically, the "direct mode" in which the received data is transferred directly to the data communication port of the charger for transfer to the remote control device is now recited in Claim 1 as: <u>means for transferring data to the rechargeable device</u>. The "indirect mode" in which the received data is transferred to the charger's memory is recited in Claim 1 as: <u>means for storing the data from a remote source in a storage means of the charger</u>. The "selectable" mode that is selectable by the user such as via an activation switch on the charger or the user interface on the remote control device, by the server via parameters associated with the downloaded data, or automatically is recited in Claim 1 as: <u>means for selectably transferring the data upon receipt from the remote source to at least one of the means for transferring data to the rechargeable device and a storage means of the charger</u>. It is pointed out that the selectable mode permits selection between the "direct" and "indirect" modes.

Averbuch does not disclose or suggest the "direct", "indirect" and "selectable" modes which are clearly recited in Claim 1. Accordingly, withdrawal of the rejections with respect to Claim 1 is respectfully requested.

Claims 2-3 and 5-6 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 2-3 and 5-6 are believed to be allowable over Averbuch..

Accordingly, withdrawal of the rejections with respect to Claims 2-3 and 5-6 is respectfully requested.

Claims 7 and 15 recite features which are found in Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 7 and 15 are believed to be allowable over Averbuch.

Additionally, Claims 8-14 and 17-19 depend from independent Claims 7 and 15, respectively, and therefore contain the limitations of Claims 7 and 15. Hence, for at least the same reasons given for Claim 7 and 15, Claims 8-14 and 17-19 are believed to be allowable over Averbuch. Accordingly, withdrawal of the rejection with respect to Claim 8-14 and 17-19 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-19 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9607

Respectfully submitted,

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